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OGC 76-6811

3 December 1976

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : Anthony A. Lapham
General Counsel

SUBJECT : Reports to the SSCI

1. Bill Miller and I have had a number of discussions about the nature of the arrangements that would be appropriate for the purpose of putting into the Committee's hands information comparable to the required reports that are furnished to the Intelligence Oversight Board and the Attorney General pursuant to Executive Order 11905. You will recall that this matter was the subject of rather specific commitments that you made in an exchange with Senator Inouye during your confirmation hearings on 23 June. The relevant excerpt from the printed confirmation hearing transcript is attached.

STAT 2. I took with me to my meeting with Miller yesterday a proposed draft letter from you to Senator Inouye, reflecting the arrangements that we had previously discussed. Mike Madigan and Howard Liebengood also sat in on the meeting as did [] of OLC. The proposed letter is acceptable to Miller.

3. As a courtesy I think the letter to Inouye, assuming it has your approval, should be sent in draft to Chairman Murphy of the IOB before it is dispatched in final. I explained to Miller that you might want to do this, and he had no objection so long as this step did not produce any undue delays. I am attaching for your signature a letter to Chairman Murphy, which informs but does not invite comment, and to that letter there is attached a copy, in draft, of the proposed letter to Senator Inouye.

[]
Anthony A. Lapham

STAT

Attachments

OGC:AAL:lsh

Original - Addressee

1 - ER via Ex Secty

1 - OLC

1 - IG

1 - OGC

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that the appropriate congressional committees be briefed on all covert actions, not just in major projects. Can you assure the committee that it will be notified of all covert actions?

Mr. KNOCHE. Yes, Mr. Chairman, I think that working with the committee and the staff, we can develop ways for doing that in an orderly and regular way. There are a number of small details that pertain to some forms of covert action, but I think that we can work out an arrangement with the committee whereby they would be categorized and made the subject of periodic briefings, and I would be glad to work with the committee and the committee's staff in trying to do so.

The CHAIRMAN. I have several questions here that I believe should be submitted to you in writing because of their sensitive nature. May I request that these questions be studied and responses be made for classified files, sir?

Mr. KNOCHE. Indeed, sir.

The CHAIRMAN. Under Executive Order 11905, the General Counsel and the Inspector General are required to report to the Intelligence Oversight Board on activities that raise questions of legality and propriety. They must report allegations involving such activities and the results of their investigations. They are also required to report any instance where they are instructed not to make such reports.

Will you instruct the General Counsel and the Inspector General to provide to this committee similar reports to aid this committee in its oversight function?

Mr. KNOCHE. Yes, sir, I will.

The CHAIRMAN. At present the General Counsel is required to refer to the Department of Justice allegations that activities by CIA employees violate Federal law. In order to assist the committee in its oversight role will you instruct the General Counsel to notify the committee when and if such a referral takes place?

Mr. KNOCHE. Yes, sir, I will.

The CHAIRMAN. Since 1973 the Director of Central Intelligence has regularly issued a call to CIA employees to report to him any activities which raise questions of legality or propriety. Early this year Mr. Bush issued such a call. Will you regularly remind CIA employees of this duty?

Mr. KNOCHE. I think this is a desirable practice and I intend to see to it that it is continued, sir.

The CHAIRMAN. If an Agency employee were fearful, for whatever reason, of reporting a questionable activity to either the CIA Inspector General or the Intelligence Oversight Board, should he or she be able to come directly to this committee without fear of reprimand?

Mr. KNOCHE. Indeed, sir.

The CHAIRMAN. One of the most effective tools of the Inspector General is the component survey, an indepth study of a particular segment of the CIA such as the Office of Current Intelligence. Will you have the Inspector General notify this committee of the schedule of component surveys and make the results of the surveys available to the committee?

Mr. KNOCHE. I will be glad to work out arrangements to try to keep this committee informed of the surveys, sir, but I would like to take a slight reservation in committing myself to making the fullness

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C/K SSCI

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